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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

New Caledonia

Working paper prepared by the Secretariat

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I. General

1. New Caledonia is a Non-Self-Governing Territory administered by France. The Territory, considered as a French overseas sui generis community and governed by chapter XIII of the Constitution of France, is located in the Pacific Ocean, 1,500 km east of Australia and 1,700 km north of New Zealand. It comprises one large island, known as Grande Terre, and smaller islands known as the Loyalty Islands (Ouvéa, Maré, Lifou and Tiga), the Bélep Archipelago, the Isle of Pines and the Huon Islands. There are also several uninhabited islands to the north of the Loyalty Islands. The area of Grande Terre is 16,750 square kilometres, and that of the Territory is 19,103 square kilometres. Nouméa, the capital, is located in the south of Grande Terre. The population of the Territory is 248,406, according to the 2009 census. The official language is French and about 27 Kanak vernacular languages are spoken in geographically distinct regions.[1]

2. The 2009 census, the results of which were still to be released at the time of writing, as opposed to the 2004 census, included data on ethnicity. The census data will constitute a useful tool for measuring, inter alia, the effects of rebalancing among the provinces carried out by the territorial Government. The final results of the census are vital in calculating the financial allocations that the territorial Government grants to the communities.

3. According to the most recent official information on ethnicity available at the time of drafting, dating from the 1996 census, the population comprises 44.1 per cent Melanesians, mainly Kanaks; 34.1 per cent persons of European origin, mainly French; 9 per cent Wallisians; 2.6 per cent Tahitians; 2.5 per cent Indonesians and Vietnamese; and 7.7 per cent of populations classified by the National Institute of Statistics and Economic Studies as "others".

4. The majority of the population (approximately 70 per cent) lives in the South Province, mainly around the greater Nouméa area, approximately 20 per cent in the North Province and about 10 per cent in the Loyalty Islands. In 1996, the native Kanak population comprised almost 78 per cent of the population of the North Province and 97 per cent of that of the Loyalty Islands, but only 25.5 per cent of the population of the South Province. With respect to the Territory's second largest population group, persons of European origin, 89 per cent live in the South Province.

II. Constitutional, political and legal issues

5. The Kanak independence movement was launched in the 1970s in response to the process of decolonization in Africa and increasing French migratory flows. The movement drew steady support from other Melanesian countries in the region and gradually gained momentum in the 1980s. In 1984, the Front de libération nationale kanak et socialiste (FLNKS) was founded as an umbrella organization for the pro-independence parties, and later that year established a provisional independent

Note: The information contained in the present paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations.

[1] Population data for 2009 from the National Institute of Statistics and Economic Studies (ISEE).

government. Between 1984 and 1988, about 80 people died in the violent confrontations between pro-independentists and loyalists. The violence was eventually halted with the conclusion of the Matignon Accords on 26 June 1988 between FLNKS, the loyalist Rassemblement pour la Calédonie dans la République (RPCR) and the Government of France.

6. The Matignon Accords provided for greater local autonomy and substantial aid designed to redress deep inequalities between the French and Kanak communities, while committing the Territory to a self-determination referendum 10 years later. In 1998, the three Matignon Accords partners agreed on a new statute defining the Territory's institutions and its relations with France. The agreement, termed the "Nouméa Accord", steered a middle course between the respective political aspirations of RPCR and FLNKS and avoided the need for a divisive referendum on independence. It was signed on 5 May 1998 and approved in a referendum held on 8 November 1998 by 72 per cent of New Caledonians. The Accord was subsequently ratified by the National Assembly and the Senate of France. New Caledonia is now defined as an "overseas country of France" or "collectivité" within the French Constitution, with enhanced autonomy. The new statute also makes provision for New Caledonia to eventually change its name, flag and national anthem to express the Territory's unique cultural identity, notably its Kanak elements.

7. On 18 August 2010, the territorial Congress approved three out of five identity symbols around which New Caledonia could unite, including an anthem, a motto and banknote designs, with a new name and a flag remaining to be approved later.

8. The Nouméa Accord commits France to transfer responsibility over areas of government, except the sovereign powers, to the government of New Caledonia between 1998 and 2018. At some point between 2014 and 2018 a referendum is to be held on the basic issues: the transfer of sovereign powers; access to an international status of full responsibility; and the organization of citizenship by nationality. The exact date of the referendum will be determined by three fifths of the members of the territorial Congress. Should the outcome of the first referendum be negative, one third of the members of the Congress may call for the holding of two more referendums. If the response from all of them is negative, the parties to the Accord will meet to consider the situation thus created. The full text of the Nouméa Accord is contained in the 1998 working paper (A/AC.109/2114, annex).

9. The contentious issue of the proper interpretation of the Territory's electorate under the Nouméa Accord was resolved in 2007 and reflected in the French Constitution. As a result, only people who can prove 10 years of residence in New Caledonia at the time of the 1998 referendum on the Nouméa Accord, or who have one parent meeting that requirement, can vote.

10. Administratively, the Territory is divided into three provinces: South Province (provincial capital: Nouméa), North Province (provincial capital: Koné) and Loyalty Islands Province (provincial capital: Lifou). The President of each provincial assembly is drawn from the majority party and acts as the chief executive of the province. Assembly members are elected to five-year terms. In addition, there are 33 basic local government units across the Territory, known as communes.

11. New Caledonia has a 54-member territorial Congress, a legislative body comprising the combined elected membership of the three provincial assemblies

(15 from the North Province, 32 from the South Province and 7 from the Loyalty Islands Province).

12. The territorial Government represents the executive power of New Caledonia and is headed by the President, who is elected by Congress and answerable to it. The Nouméa Accord stipulates that the Government, as a collegial body, must proportionally reflect party representation in the Congress. The President is elected by a majority vote of all members of Government.

13. In accordance with the Nouméa Accord, a parallel set of institutions designed to accommodate full political recognition of the Kanak identity was set up. There are eight customary councils, each covering one of eight customary areas. In addition, there is a Territory-wide customary senate, comprising 16 members, 2 selected by each customary council, with a rotating presidency. The customary senate and the councils are to be consulted by the executive and legislative bodies of New Caledonia on matters related directly to the Kanak identity.

14. Political parties in New Caledonia are divided between those that favour New Caledonia remaining part of France and those that favour independence, with varying nuances between the parties supporting those positions. Following the general election in New Caledonia in May 2009, a significant political reshuffle took place in the Territory. The pro-independence parties increased their representation in Congress by five seats, although the anti-independence parties managed to retain the balance of power having agreed to work together through a "republican pact".

15. The election resulted in a Congress of 31 anti-independence and 23 pro-independence members. The anti-independence parties currently represented in Congress are the Rassemblement-Union pour un mouvement populaire (Rassemblement-UMP), with 13 seats; Calédonie ensemble, with 10 seats; L'avenir ensemble, with 6 seats; and the Rassemblement pour la Calédonie, with 2 seats.

16. The pro-independence parties of the legislature comprise Union nationale pour l'indépendance-FLNKS (PALIKA), with 8 seats; the Union calédonienne, with 8 seats; FLNKS, with 3 seats; the Parti travailliste, with 3 seats; and the Libération kanak socialiste, with 1 seat.

17. The 11-member Government drawn from Congress on a proportional basis following the 2009 elections comprised 7 members of the anti-independence Calédonie ensemble (Rassemblement-UMP) and L'avenir ensemble parties; and 4 members of the pro-independence Union calédonienne and the Parti de libération kanak, with Mr. Philippe Gomès (Calédonie ensemble) elected as President and Mr. Pierre Ngaiohni (Union calédonienne) as Vice-President of the Government.

18. In February 2011, the Union calédonienne pulled out of the territorial Government citing the latter's failure to fully implement the decision of New Caledonia to have a double flag, namely the national flag of France and that of FLNKS, as its emblem.

19. Under the 1998 Nouméa Accord and the 1999 Organic Law, if one member of Government member resigns, the entire Government is deemed to have resigned. Article 121 of the Organic Law specifies that when a member of Government ceases to hold his/her position, the next candidate on the party list on which the latter was elected becomes his/her replacement. However, the article further states that when

those provisions cannot be applied any longer, the Government is deemed to have resigned and a new Government shall be elected within 14 days.

20. In accordance with the above, on 3 March 2011, a meeting of the 54-seat Congress of New Caledonia elected a new Government with the new President, the Congress speaker and leader of L'avenir ensemble party, Harold Martin, and his Vice-President from the Union calédonienne, Gilbert Tuyienon. Right after Congress elected the Government, outgoing President Philippe Gomès announced his party's resignation from the executive, as previously warned. The newly formed Government should act on a "caretaker basis" until a new election. Mr. Gomès appeared to be pushing for early elections, while Paris reportedly wished to resolve the issue within the current electoral timelines. Meanwhile, at the time of writing, two attempts to form a new Government failed as a result of the withdrawal of the Calédonie ensemble Party from the territorial Government.

21. New Caledonians also vote in the French presidential elections and elect one member of the Senate and two members of the National Assembly. In 2011, the Territory will obtain a second seat in the Senate. Following the 2009 European Parliament elections, a locally elected official, Maurice Ponga (Rassemblement-UMP), became the first Kanak elected to the European Parliament.

22. The administering Power is represented in the Territory by a High Commissioner. This position is currently held by Mr. Albert Dupuy. Under the Organic Law of 19 March 1999 concerning New Caledonia, France has powers over areas prescribed by law, including external relations, immigration and aliens, currency, the Treasury, trade, defence, justice, the civil service and maintenance of law and order. In the area of defence, the High Commissioner performs functions prescribed by the relevant legislation. The High Commissioner may declare a state of emergency as provided for under the relevant legislation; he shall refer the matter to the Minister for Territories Overseas after informing the New Caledonia Government authorities. Under the territorial defence structure, the Office of the High Commissioner in the Territory is the seat of the defence sector of New Caledonia. According to media reports, there are some 3,000 military personnel from France, including the gendarmerie, in the Territory. Political responsibility for New Caledonia lies with the French Minister of the Interior, Overseas Territories, Subnational Government and Immigration, Claude Guéant, and the Deputy Minister for Overseas Territories, Marie-Luce Penchard.

23. The Territory's legal system is based on the French model, augmented by man latory consultation with the Advisory Council on Customs. Magistrates preside over the decentralized lower courts. The Court of Appeal is located in the capital, Nouméa, and there is access to the higher appeal court of France for certain matters.

III. Budget

24. The 2011 draft budget for New Caledonia was prepared in anticipation of a rather favourable economic situation. It was intended to support the economy by public investment and to better control the evolution of the administrative expenditures. It provided for an increase of revenues by 5.5 per cent from taxes. The overall budget will reach 172.3 billion francs, with net expenses amounting to 45.4 billion francs (an 8.1 per cent increase over the previous year's budget), including operational expenses of 4.2 billion francs (a 2.8 per cent increase),

personnel expenses of 14.6 billion francs (a 3.2 per cent increase) and direct and indirect public investment of 8.9 billion francs (a 12.2 per cent increase).

IV. Economic conditions

A. General

25. New Caledonia has one of the largest economies in the Pacific Islands region, with its gross domestic product (GDP) per capita slightly higher than that of New Zealand. However, there are significant disparities in income distribution. For example, about 85 per cent of the household income falls on the South Province, 11.1 per cent on the North Province, and only 3.9 per cent on the Loyalty Islands Province. The economy is highly dependent on the nickel industry and payments from the French Government. Nickel production accounts for around 95 per cent of total export earnings. Approximately 80 per cent of the payments from France are spent on health, education and payment of civil service salaries, with most of the remainder allocated for development schemes, mainly in the North and Loyalty Islands Provinces. The Territory runs a significant trade deficit caused by an increase in the value of imports.

B. Mineral resources

26. The Territory is the world's third largest producer of nickel after the Russian Federation and Canada, with an estimated one quarter of the world's nickel reserves. Chrome and cobalt are also mined commercially, and deposits of iron, copper and gold have been found. New Caledonia is unique in being a South Pacific economy predominantly based on mining, and has some highly sophisticated domestic industries and services to support the mining sector, thereby creating further employment opportunities.

C. Construction and manufacturing

27. The construction sector accounts for roughly 12 per cent of GDP, employing about 9 per cent of the salaried population. Construction projects in the mining industry continue to provide a platform for growth. There is still a need for approximately 1,000 new houses per year throughout the country. In July 2010, the Territory's Congress adopted a bill establishing a zero-interest loan facility to enable home ownership for families with monthly incomes between $3,100 and $6,200. The facility will begin operating in January 2011, and is expected to benefit about 300 households.

28. Manufacturing remains small scale and is largely focused on the transformation of foodstuffs, textiles and plastics. Nevertheless, the sector accounts for approximately 13 per cent of GDP.

D. Agriculture and fishing

29. Agriculture officially employs only 5 per cent of the population and represents 2 per cent of GDP, although it forms the basis of much of the indigenous population's subsistence economy. The raising of beef cattle on the west coast (mostly by European descendants), pig farming and the export of venison to Europe are the most important cash-producing agricultural activities. Tuna fishing and shrimp farming also contribute to export earnings. Agricultural production in most areas is heavily subsidized and prices are controlled. Agricultural output is hampered by labour diversion to the more lucrative mining industry and to tropical cyclones. As a result, there is a heavy reliance on imports to meet demand.

E. Transport and communications

30. While the Territory has no railways, there is a good road system in and around Nouméa, the most populous region. The road infrastructure in the rest of the country is more basic, but it continues to improve. New Caledonia has around 5,000 kilometres of roads, of which about one half are sealed. Overseas shipping is predominantly through Nouméa. There are passenger and cargo services, and a harbour for yachts and other leisure watercraft. The Territory relies heavily on air transport for both international and internal movement of passengers and freight. Frequent international services link Nouméa's airport, La Tontouta, with neighbouring countries and with the United States of America, Japan and Europe. An €80 million upgrade of the Tontouta airport is due to be completed in 2011. There are regular services from the domestic airport, Magenta, to the outer islands and major towns on the main island.

31. Postal services and telecommunications are run by the state company Office des Postes et Télécommunications. A submarine cable network connection between the Territory and Australia, launched in 2008, has increased the Territory's network capacity significantly, offering high-speed connectivity and access to international networks. Internet facilities and usage have grown rapidly in recent years, but statistics are lacking. Mobile telephone subscriptions are on the rise, but coverage still stands at less than 50 per cent of the Territory, and is largely concentrated in the coastal areas.

F. Tourism and environment

32. The territorial Government is actively promoting the tourism sector as a means of future economic diversification and employment. However, the global economic slump combined with strong competition from other struggling Pacific tourist destinations kept the industry depressed. In August 2010, tourist arrivals totalled 8,637 as compared to 6,313 in June, but were still down by about 10 per cent against past average annual figures. The occupancy rate for hotels in the capital, Nouméa, hovered around 55 per cent in August 2010 compared to 63 per cent at the same period in 2009.

33. New Caledonia has an extremely rich biodiversity and possesses the second largest coral reef in the world after the reef in Australia. The Territory's unique flora

and fauna are endangered as a result of the intensive development of nickel projects and may be threatened if the necessary safeguards are not put in place.

34. In April 2009, an acid spill at the Vale Nouvelle-Calédonie nickel plant led to the leakage of around 2,500 litres of sulphuric acid from the plant during testing. Thousands of fish in Prony Bay, a United Nations World Heritage site, were killed. Another spill at the plant in April 2010 was reportedly brought under control; an investigation followed. In May 2010, Vale Nouvelle-Calédonie announced that technical problems had forced another delay to the opening of the plant, which had originally been expected to begin operations in mid-2009. The company has yet to set a new start date for the plant.

35. A report released by Conservation International in February 2011 expresses concern over the negative impact of nickel mining and deforestation on the unique flora and fauna of New Caledonia. The Territory is listed as second among the world's 10 most threatened forest hotspots. The Territory has only 5 per cent of its original forest landscape left.

36. As a result of deforestation, many endemic species, including various plants and birds, are threatened. For example, the kagu (*Rhynochetos jubatus*), the only surviving member of the bird family Rhynochetidae, is probably the most well known of the Territory's native birds. In addition, the New Caledonian crow (*Corvus moneduloides*) has become highly publicized owing to its incredible ability to make and use tools. The islands are also home to one of the world's largest geckos, the New Caledonian giant gecko (*Rhacodactylus leachianus*).

37. In July 2010, the European Investment Bank announced that it would provide a $12.7 million credit line to enable banks in New Caledonia to finance projects in the sectors of renewable energy, environment and waste treatment. The European Investment Bank's aims are twofold: to develop the long-term lending operations of local banks by providing financing, and to promote green-energy initiatives and the protection of local ecosystems to local businesses. The European Investment Bank has already invested in a solar-power facility in Helios Bay, which was opened in May and is expected to produce sufficient electricity for about 1,000 homes.

V. Social conditions

A. General

38. According to 2009 census figures, as reported by the media, there are still significant disparities in wealth between the north and the south of the Territory, and between Kanaks and Europeans. However, some positive figures are reported in the education field, with more people completing school than ever before. In his statement issued after the completion of the mission to New Caledonia (4-13 February 2011), the Special Rapporteur of the Human Rights Council on the rights of indigenous peoples said that during the mission, he had learned of numerous steps to implement the Nouméa Accord and related positive developments.[2] He continued by saying that "Kanak authorities and members of indigenous communities repeated expressions of frustration about ongoing patterns

[2] Press release issued on 13 February 2011; see www.ohchr.org/sp/NewsEvents/Pages/DisplayNews.aspx?NewsID=10730&LangID=E.

of discrimination, limitations on the exercise of their customary rights, poor social and economic conditions, and lack of adequate participation in decisions affecting them in many respects".

39. The imbalance in social development among the provinces is a major concern for the territorial Government. According to a FLNKS statement made at the Pacific regional seminar held in Nouméa in May 2010, the number of households with running water in the South Province reached 95 per cent, while that in the North and the Loyalty Islands Provinces reached 77 per cent. In addition, one in every six households in the North Province and one in every five in the Loyalty Islands are lit with kerosene lamps. Approximately 20 per cent of the households in the whole of the Territory control about 55 per cent of the total declared income. One in every four New Caledonians is affected by relative poverty, while about 7,000 families live in precarious conditions.

40. The former government of Mr. Gomès pledged to address the high cost of living in the Territory. In December 2009, the territorial Congress passed legislation to raise the monthly minimum wage by about 20 per cent over a three-year period, to reach $1,600 by 2013. A law imposing price controls on about 100 types of consumer goods was approved in May 2010. Mr. Gomès also increased investment in public works and other projects.

41. In a parallel development, a law aimed at reforming indexed retirement pensions for French Overseas Territories (pensions in New Caledonia are 75 per cent higher than in France) was passed by the French Senate in 2008. As a result, since 2009, indexation levels on pensions are being progressively reduced until 2028.

B. Employment

42. In July 2010, the number of New Caledonians seeking employment decreased to 7,200, a significant improvement compared with 9,000 at the end of the first quarter of 2010. Nevertheless, regional disparities are clearly evident in the unemployment figures. The number of unemployed remains particularly high in the North Province. However, the opening in 2012 of two Kone nickel-processing plants in the North Province is expected to initially generate 8,000 jobs, many of them for the local population. Meanwhile, the territorial Government says that it does not have the statistics confirming high levels of unemployment among Kanaks (see sect. VIII.B of the present document).

43. Kanak representatives continue to express concern over the influx of labour immigration to New Caledonia. The territorial Government acknowledged this fact and specified that the immigration included highly qualified labour and technicians and managers not available in the domestic labour force. Furthermore, while the duration of stay for the first category was limited to 18 months, for the second it was limited to four years. According to the territorial Government, three quarters of the guest labour force of the nickel plant in the South Province have already left the Territory. The Government plans to provide vocational training for New Caledonians, with the aim to allow them to occupy 95 per cent of jobs created in the metallurgic industry in the future.

C. Education

44. The Territory's education system remains closely modelled after the French system, and the primary language of instruction at all levels is French. Education is free and compulsory for children between the ages of 6 and 16. Primary education lasts for five years. Secondary education is broken up into two cycles, the first of which is a four-year programme that begins at age 11. The additional three-year programme, commonly known as upper secondary, is optional; however, successful completion of it is required for students who wish to pursue higher education. New Caledonia operates five institutions of higher education, including a branch of the Université française du Pacifique. Many students seeking university degrees attend universities overseas, including France.

45. The Organic Law of 19 March 1999 transferred control of public primary education to the New Caledonian authorities, giving them the right to adapt the curriculum to local cultural and linguistic backgrounds, including instruction in the Kanak languages.

46. According to the information provided by the customary senate in May 2010, the lack of schooling success among Kanak children is obvious in the current school system. Despite the provisions in this respect in the Matignon and Nouméa Accords along with efforts to change the situation for the better, there still exists a significant gap in the level of education between young Kanaks and their European counterparts. This leads to a higher level of unemployment, instability and delinquency among the local youth. The customary senate is of the view that the teaching of Kanak languages and culture in primary school, which is part of the Nouméa Accord, is not always effective, and if implemented at the present pace, may have a fatal impact on the least spoken Kanak languages. According to the Senate, the drop-out rate in the first year of the University of New Caledonia is 70 per cent, while 90 per cent of that figure represents Kanak students living in shanty towns in Nouméa.

47. Several research institutes, based mainly in Nouméa, are concentrating on studies on biodiversity, environment, biology and geology, nickel, oceanography, history, anthropology, sociology and linguistics of the Kanak language.

48. In 2010, the Minister for National Education of France visited New Caledonia and signed an agreement to transfer control of secondary school education from France to the Territory. The transfer, which is part of the Nouméa Accord process, will come into effect in January 2012. The Government of France has undertaken to continue funding the education system, the costs of which comprise approximately one third of the territorial Government's budget, including the remuneration of some 4,500 teachers and administrators.

D. Health care

49. In New Caledonia, life expectancy at birth is 71.8 for males and 80.3 for females (2007). As at 1 September 2008, there were 545 practising medical doctors, 1,091 nurses, 125 dentists, 106 midwives and 141 pharmacists in the Territory.

50. At the territorial level, there are three public hospitals (492 beds), three private clinics (178 beds) and four specialized hospitals (184 beds) in Nouméa. At the

provincial level, integrated public health-care services are provided through seven medical social centres, with 42 hospital beds, 19 medical centres, 14 infirmaries, 55 consultation facilities and 22 dental care stations. The Congress of New Caledonia has endorsed a $530 million project to construct a new territorial hospital to replace Nouméa's Gaston Bourret Hospital. The Congress has approved the Medipole Hospital at Koutio near Nouméa, which is to have 100 more beds than the current main hospital. Its construction is planned to start in 2011 and be completed after four years.

51. Outbreaks of dengue fever, a mosquito-borne disease, are common, especially during the warm wet months from February to May, with more serious outbreaks occurring from time to time. Small outbreaks of leptospirosis take place with more serious outbreaks occurring from time to time, particularly from March to May.

VI. Relations with international organizations and partners

52. The legal framework within which New Caledonia may establish external relations is governed by the Organic Law of 1999.

53. New Caledonia has been an associate member of the Economic and Social Commission for Asia and the Pacific since 1992.

54. In 2006, New Caledonia became an associate member of the Pacific Islands Forum, having been an observer since 1999. The forty-first meeting of the Forum, held in Port Vila, Vanuatu, on 4 and 5 August 2010, was attended by a delegation of New Caledonia, headed by the then President of the territorial Government. At the meeting, he expressed the interest of New Caledonia in eventual full membership in the Forum. Recognizing that a number of issues relating to the international standing of New Caledonia would be resolved as it advanced the self-determination process with France under the Nouméa Accord, the Forum requested its secretariat to further explore with New Caledonia the ways in which the Territory's engagement and role within the Forum could be expanded and enhanced, including through reactivation of dialogue through the Forum's Ministerial Committee on New Caledonia. Another regional organization, the Melanesian Spearhead Group, gave observer status in 2007 to FLNKS, which represents the Kanak people.

55. In September 2010, the Territory hosted the fourth Melanesian Arts Festival. In 2011, it will host the annual European Union-Overseas Countries and Territories Forum and the fourteenth Pacific Games.

56. Furthermore, New Caledonia is a member of the Pacific Community, the Pacific's oldest regional organization, whose secretariat is headquartered in Nouméa. Among other Pacific regional arrangements in which New Caledonia is involved are the South Pacific Regional Environment Programme, the Pacific Islands Development Program and the South Pacific Applied Geoscience Commission.

57. New Caledonia has continued to strengthen its ties with the European Union, within which it has the status of associated territory as conferred by the Treaty of Rome, which forms the basis for the current development policy of the European Union. As previously reported, New Caledonia receives development aid from the European Union in the framework of the tenth European Development Fund for the Overseas Countries and Territories covering the period 2008-2013.

VII. Future status of the Territory

A. Position of the territorial Government

58. Developments regarding discussions on the future status of New Caledonia are reflected in sections II and VIII.B of the present working paper.

B. Position of the administering Power

59. On 19 January 2010, the President of the Republic of France stated that the French State guaranteed the implementation of the Nouméa Accord and the effective transfer of power, and called on New Caledonians to immediately engage in discussions before 2014 on the institutional future of the country so that the consultation provided for in the Nouméa Accord could lead to an outcome approved by an overwhelming majority of voters. In June 2010, the Prime Minister of France presided over a meeting in Paris of the follow-up committee overseeing the progress of the 1998 Nouméa Accord on the devolution of power to New Caledonia. This was followed in July by his three-day visit to the Territory, the first one at such a high level in over a decade.

VIII. Consideration of the question by the United Nations

A. Special Committee on the Situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

60. At its 10th meeting, on 25 June 2010, the Special Committee adopted a draft resolution introduced by the Representative of Fiji on behalf of his country and Papua New Guinea (see A/AC.109/2010/L.9).

B. Special Political and Decolonization Committee (Fourth Committee)

61. At the 3rd meeting of the Fourth Committee on 5 October 2010, the then President of the Government of New Caledonia and a Kanak petitioner addressed the Committee.

62. At that meeting (see A/C.4/65/SR.3), the then President of the Government of New Caledonia said that legislation had been enacted in the past year to transfer powers from France to New Caledonia in the fields of education and air and maritime transport and that procedures for the transfer of powers in other areas had been worked out with France, since the Territory still needed its assistance. As could be seen from the scope of reforms introduced by the Government, the political institutions of New Caledonia were functioning very well.

63. The Territory's economic development efforts were bearing fruit since employment and GDP had grown by 3 per cent and 4 per cent, respectively, over the previous four years. New Caledonia was poised to become the world's second largest nickel producer, with the entry into production of its two new plants in 2012.

There were ongoing efforts to develop business infrastructure throughout the Territory with a view to restoring the balance between the different provinces and Nouméa. While General Assembly resolution 64/102 contained the observation that unemployment remained high among Kanaks, there were in fact no reliable statistics in that regard. Unemployment currently stood at 6.5 per cent, indicating the need for continued emphasis on initial and continuing education and training of New Caledonians. The goal, he noted, was not only to produce more high school graduates but also to stop children from dropping out of school because it perpetuated social inequalities.

64. Turning to the recruitment of foreign mine workers, which was also referred to in resolution 64/102, the Governor said that highly skilled foreign mine workers were recruited only in case of a dearth of local workers. They were granted work permits for very short periods. On the other hand, ambitious training projects had been put in place to ensure that in the long run, New Caledonians would occupy 95 per cent of the posts in the nickel industry.

65. Kanak identity was being taken into account in the Territory's political and social organization. Since the adoption of General Assembly resolution 64/102, the country law on the three identity symbols of New Caledonia had been enacted. New Caledonia had a new motto. The Committee of Signatories of the Nouméa Accord had recommended that, pending the initiation of work on the two other identity symbols, the flag and the name of the country, the FLNKS flag should be flown side by side with the French flag; that had become official on 17 July 2010.

66. The Governor further continued that with regard to the Kanaks' concerns about the impact of mining on the environment (resolution 64/102, para. 6), the Congress of New Caledonia had taken legislative measures to ensure the sustainable management of mining resources, in response to the concerns expressed by Kanaks. Former mining sites were being reclaimed and replanted and a plan for the reclamation of 200 former mining sites within the next decade would be submitted shortly to Congress.

67. Noting that the preparations for the referendum on self-determination constituted a top priority for all political movements in New Caledonia, he said that the Committee of Signatories of the Nouméa Accord had set up a steering committee that would meet every three months to hold in-depth discussions on the status of preparations, in line with the call of the General Assembly for a process in which all options were open and which would safeguard the rights of all sectors of the population.

68. Ms. Lauouvea, a petitioner from FLNKS, said that the challenge under the Nouméa Accord was how to achieve the fullest form of autonomy for New Caledonia under the French Republic, which could lead to independence if the people so chose. Full autonomy and independence meant that New Caledonia had to be able to secure its own economic future. Thus, the development of human resources and employment should remain the focus of public policies.

69. Noting that the Territory's inability to finance the costs of decolonization as set out under the Nouméa Accord basically stemmed from its continued heavy dependence on earnings from nickel, she said that the tax system needed to be modernized, while structural reforms had to be implemented to foster growth and put the finances of New Caledonia on a sound footing. The development of such

employment-generating sectors as agriculture and tourism would diversify the economy away from nickel. While concern had been expressed about the way in which resources were distributed among the provinces, there was no objective analysis that could be used to assess the imbalance. The upcoming plan for the balanced development of the Territory should be useful in that regard.

70. She continued that it had been decided to transfer competence in several key areas from France to New Caledonia, to be accompanied by the necessary training. Nevertheless, there was concern about the resources that such transfers would require. New Caledonia continued to receive massive financial contributions from France, which showed its continued dependence and the challenges it faced in trying to finance and implement an effective development plan.

71. She reiterated the request of FLNKS to the United Nations for assistance to New Caledonia to assess the level of autonomy it had achieved to date and help it determine whether its current policies had truly reduced its level of dependence on France. FLNKS supported the adoption by the General Assembly of a draft resolution on the Third International Decade for the Elimination of Colonialism and suggested that the parties concerned in each Non-Self-Governing Territory, together with the administering Powers, should draw up a constructive programme of work for the Decade.

C. Action taken by the General Assembly

72. On 10 December 2010, the General Assembly adopted, without a vote, resolution 65/113, based on the report of the Special Committee transmitted to the Assembly (A/65/23 and Corr.1) and its subsequent consideration by the Fourth Committee. In that resolution the General Assembly:

1. *Welcomes* the significant developments that have taken place in New Caledonia since the signing of the Nouméa Accord on 5 May 1998 by the representatives of New Caledonia and the Government of France;

2. *Urges* all the parties involved, in the interest of all the people of New Caledonia, to maintain, in the framework of the Nouméa Accord, their dialogue in a spirit of harmony, and in this context welcomes the unanimous agreement, reached in Paris on 8 December 2008, on the transfer of powers to New Caledonia in 2009 and the conduct of provincial elections in May 2009;

3. *Notes* the relevant provisions of the Nouméa Accord aimed at taking more broadly into account the Kanak identity in the political and social organization of New Caledonia, and welcomes, in this context, the adoption on 18 August 2010 by the Government of New Caledonia of the law on the anthem, the motto and banknote designs;

4. *Acknowledges* those provisions of the Nouméa Accord relating to control of immigration and protection of local employment, and notes that unemployment remains high among Kanaks and that recruitment of foreign mine workers continues;

5. *Notes* the concerns expressed by a group of indigenous people in New Caledonia regarding their underrepresentation in the Territory's governmental and social structures;

6. *Also notes* the concerns expressed by representatives of indigenous people regarding incessant migratory flows and the impact of mining on the environment;

7. *Takes note* of the relevant provisions of the Nouméa Accord to the effect that New Caledonia may become a member or associate member of certain international organizations, such as international organizations in the Pacific region, the United Nations, the United Nations Educational, Scientific and Cultural Organization and the International Labour Organization, according to their regulations;

8. *Notes* the agreement between the signatories to the Nouméa Accord that the progress made in the emancipation process shall be brought to the attention of the United Nations;

9. *Recalls* the fact that the administering Power invited to New Caledonia, at the time the new institutions were established, a mission of information which comprised representatives of countries of the Pacific region;

10. *Notes* the continuing strengthening of ties between New Caledonia and both the European Union and the European Development Fund in such areas as economic and trade cooperation, the environment, climate change and financial services;

11. *Calls upon* the administering Power to continue to transmit to the Secretary-General information as required under Article 73 *e* of the Charter of the United Nations;

12. *Invites* all the parties involved to continue promoting a framework for the peaceful progress of the Territory towards an act of self-determination in which all options are open and which would safeguard the rights of all sectors of the population, according to the letter and the spirit of the Nouméa Accord, which is based on the principle that it is for the populations of New Caledonia to choose how to control their destiny;

13. *Recalls with satisfaction* the efforts of the French authorities to resolve the question of voter registration by adopting, in the French Congress of Parliament, on 19 February 2007, amendments to the French Constitution allowing New Caledonia to restrict eligibility to vote in local polls to those voters registered on the 1998 electoral rolls when the Nouméa Accord was signed, thus ensuring strong representation of the Kanak population;

14. *Welcomes* all measures taken to strengthen and diversify the New Caledonian economy in all fields, and encourages further such measures in accordance with the spirit of the Matignon and Nouméa Accords;

15. *Also welcomes* the importance attached by the parties to the Matignon and Nouméa Accords to greater progress in housing, employment, training, education and health care in New Caledonia;

16. *Notes* the financial assistance rendered by the Government of France to the Territory in areas such as health, education, payment of public-service salaries and funding development schemes;

17. *Acknowledges* the contribution of the Melanesian Cultural Centre to the protection of the indigenous Kanak culture of New Caledonia;

18. *Notes* the positive initiatives aimed at protecting the natural environment of New Caledonia, including the "Zonéco" operation designed to map and evaluate marine resources within the economic zone of New Caledonia;

19. *Welcomes* the cooperation among Australia, France and New Zealand in terms of surveillance of fishing zones, in accordance with the wishes expressed by France during the France-Oceania Summits in July 2003 and June 2006;

20. *Acknowledges* the close links between New Caledonia and the peoples of the South Pacific and the positive actions being taken by the French and territorial authorities to facilitate the further development of those links, including the development of closer relations with the countries members of the Pacific Islands Forum;

21. *Recalls with satisfaction*, in this regard, the participation of New Caledonia at the 41st summit of the Pacific Islands Forum, held in Port Vila on 4 and 5 August 2010, following its accession to the Forum as an associate member in October 2006;

22. *Recalls* the continuing high-level visits to New Caledonia by delegations from countries of the Pacific region and high-level visits by delegations from New Caledonia to countries members of the Pacific Islands Forum;

23. *Welcomes* the cooperative attitude of other States and Territories in the region towards New Caledonia, its economic and political aspirations and its increasing participation in regional and international affairs;

24. *Recalls* the endorsement of the report of the Forum Ministerial Committee on New Caledonia by leaders of the Pacific Islands Forum at its 36th Summit, held in Papua New Guinea in October 2005, and the continuing role of the Forum Ministerial Committee in monitoring developments in the Territory and encouraging closer regional engagements;

25. *Welcomes* the successful conclusion of the Pacific regional seminar of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, held in Nouméa from 18 to 20 May 2010, and expresses its appreciation to the people and Government of New Caledonia for hosting the seminar and to the Government of France for its support in organizing it;

26. *Decides* to keep under continuous review the process unfolding in New Caledonia as a result of the signing of the Nouméa Accord;

27. *Requests* the Special Committee to continue the examination of the question of the Non-Self-Governing Territory of New Caledonia and to report thereon to the General Assembly at its sixty-sixth session.